

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND

DANA KRYSZTOFIAK

:

v. : Civil Action No. DKC 19-0879

:

BOSTON MUTUAL LIFE INSURANCE  
COMPANY

:

**MEMORANDUM OPINION AND ORDER**

Presently pending and ready for resolution in this case brought pursuant to the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. § 1001, *et seq.*, challenging the denial of disability benefits, is the Motion to Reopen Case filed by Plaintiff Dana Krysztofiak. (ECF No. 82). The court now rules, no hearing being deemed necessary. Local Rule 105.6.

An explanation of the factual background of the case can be found in the court's September 16, 2022, memorandum opinion. (See ECF No. 55). Following that opinion, the case was remanded to the ERISA claim administrator for Defendant Boston Mutual Life Insurance Company on April 11, 2023. (ECF No. 80). In the remand order, the court instructed the claim administrator to "conduct a 'full and fair' review to determine whether the Special Conditions Limitation Rider applies to Plaintiff's claim for disability benefits and if it precludes her from receiving additional benefits" under the group long term disability insurance policy

issued by Defendant. (*Id.*). In her motion to reopen, Plaintiff states that the claim administrator denied her claim again on remand after “concluding that the Rider applied and precluded ‘any occupation’ benefits.” (ECF No. 82-1, at 3, 6-13). Plaintiff states that she appealed the decision, and the appeal was denied. (*Id.* at 3, 15-17, 19-25).

Plaintiff now moves to reopen her case before this court “for the purpose of determining [her] entitlement to disability benefits under the [‘]any occupation[‘] definition of disability contained in the group disability income policy governing her Plan, and for such other and further relief as justice may require.” (*Id.* at 4). In response to Plaintiff’s motion, Defendant states that it does not oppose the motion but seeks clarification of the question to be decided by the court once the case is reopened. (ECF No. 83).

Plaintiff’s motion to reopen the case will be granted. The court will review the claim administrator’s most recent determination that Plaintiff is not entitled to benefits based on the application of the Rider. The parties will brief that specific issue. If the court determines that the Rider is not properly applied to Plaintiff’s claim, the issue will then be whether Plaintiff is otherwise entitled to benefits under the “any occupation” definition of disability. This issue was fully briefed following the claim administrator’s September 26, 2020, denial of

Plaintiff's application for benefits, so additional briefing will be unnecessary. (See ECF Nos. 44, 52-54).

For the foregoing reasons, it is this 28<sup>th</sup> day of July, 2023, by the United States District Court for the District of Maryland, ORDERED that:

1. The motion to reopen filed by Plaintiff Dana Krysztofiak (ECF No. 82) BE, and the same hereby IS, GRANTED;
2. The clerk is directed to REOPEN the case;
3. A telephone conference to discuss the briefing schedule will be held on Tuesday, August 29, 2023, at 12:00 p.m. (EDT). Call-in information will be emailed to counsel for the parties; and
4. The clerk will transmit copies of the Memorandum Opinion and this Order to counsel for the parties.

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/s/  
DEBORAH K. CHASANOW  
United States District Judge